

**Kansas Wildlife and Parks Commission
Notice of Public Hearing**

A public hearing will be conducted by the Wildlife and Parks Commission (the Commission) at 12:00 p.m. on Thursday, June 20th, 2024, at the Hilton Garden Inn & Convention Center, 221 W. 43rd St., Hays, Kansas 67601, to consider the approval and adoption of a proposed administrative regulation of the Kansas Department of Wildlife and Parks.

The public hearing will begin at 12:00 p.m., June 20th, 2024, at the location above. Other Commission business will follow and will include general discussions, which may include educational presentations, workshop sessions, and public comment opportunity following the public hearing. The meeting will continue until all business is complete.

Any individual with a disability may request an accommodation to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Avenue, Suite 200, Topeka, Kansas 66612, or to sheila.kemmis@ks.gov, if submitted electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally regarding the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the Commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

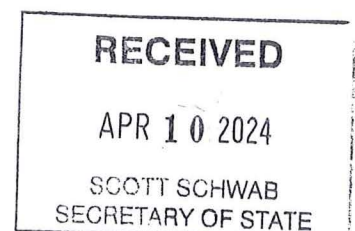
K.A.R. 115-7-3. This regulation concerns the taking and use of baitfish and minnows.

Economic Impact Summary:

There is no cost associated with this regulation change.

Copies of the complete text of the regulation and economic impact statement may be obtained by writing the Chairperson of the Commission at the address above, electronically on the Department's website at www.ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber, Chairman



115-7-3. Fish; taking and use of baitfish or minnows. (a) Baitfish may be taken for noncommercial purposes by any of the following means:

- (1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;
- (2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;
- (3) a dip or cast net with mesh not larger than one inch; or
- (4) a fishing line.

(b) Each fish trap shall be tagged with the operator's name and address when the fish trap is in use.

(c) Baitfish taken, except gizzards shad, silver carp, and bighead carp, shall not exceed 12 inches in total length. Silver carp and bighead carp shall not be transported from the water alive.

(d) The possession limit shall be 500 baitfish.

(e) For the species specified in this subsection, the department's applicable creel and possession limits shall apply.

Live baitfish, crayfish, leeches, amphibians, and mussels, except for bluegill and green sunfish from non-designated aquatic ~~nuisance~~invasive waters and baitfish, crayfish, leeches, amphibians, and mussels from designated aquatic ~~nuisance~~invasive waters, may be caught and used as live bait only within the common drainage where caught. However, live baitfish, crayfish, leeches, amphibians, and mussels shall not be transported and used above any upstream dam or barrier that prohibits the normal passage of fish. Bluegill and green sunfish collected from non-designated aquatic ~~nuisance~~invasive waters may be possessed or used as live bait anywhere in the state. Live baitfish, crayfish, leeches, amphibians, and mussels collected from

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Proposed

K.A.R. 115-7-3

Page 2 of 2

designated aquatic ~~nuisance~~invasive waters shall be possessed or used as live bait only while on that water and shall not be transported from the water alive.

(f) No person shall import live baitfish that does not meet the requirements of K.A.R. 115-17-2 and K.A.R. 115-17-2a.

~~This regulation shall be effective on and after January 1, 2021.~~ (Authorized by and implementing K.S.A. ~~2019~~2023 Supp. 32-807; effective Sept. 10, 1990; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Jan. 1, 2015; amended Jan. 1, 2019; amended Dec. 20, 2019; amended Jan. 1, 2021, amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

KDWP
Agency

Dan Riley
Agency Contact

296-1032
Contact Phone Number

115-7-3
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

We are changing the wording of “nuisance” to “invasive” in this regulation. Invasive is consistent with language used by other state and federal conservation agencies to describe species detrimental to our environment, among other economic detriments

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

Not applicable

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

No expectation of this regulation change enhancing or restricting any business activities and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

No quantifiable economic effect is anticipated.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

None

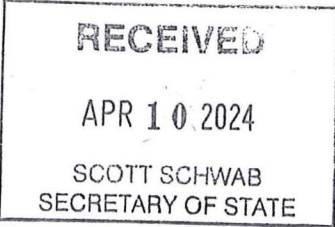
- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

No economic benefit is expected.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

None

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F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0
Costs to Local Governmental Units – \$0
Costs to Members of the Public – \$0
Total Annual Costs – \$0
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Not applicable

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
No
Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Not applicable

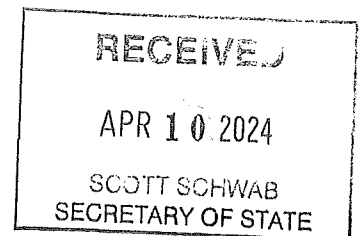
Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Not applicable

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable

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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

This was discussed and included in three public workshop sessions at Kansas Department of Wildlife and Parks Commission meetings.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

None expected

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

None expected

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Minimal costs expected if the regulation is not adopted.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Not applicable

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